

**LOUISIANA PUBLIC SERVICE COMMISSION**  
**MINUTES FROM AUGUST 16, 2023**  
**OPEN SESSION**

**MINUTES OF AUGUST 16, 2023 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN FOSTER CAMPBELL, VICE CHAIRMAN MIKE FRANCIS, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE, COMMISSIONER DAVANTE LEWIS, AND EXECUTIVE SECRETARY BRANDON FREY.**

**Open Session of August 16, 2023, convening at 9:22 a.m., and adjourning at 1:34 p.m., Natchez Room, 602 N. 5<sup>th</sup> Street, 1<sup>st</sup> Floor, Baton Rouge, Louisiana, with the above-name members of the Commission and Executive Secretary Brandon Frey present.**

<b>Ex. 1</b>	<p>Executive Secretary Brandon Frey congratulated Deputy Assistant Secretary Arnold Chauviere on his retirement after 47 years with the Commission.</p> <p>Secretary Frey gave condolences and asked for thoughts and prayers for the family of Jim Nickel on the passing of his wife, Susan.</p> <p>Deputy General Counsel Lauren Evans wished the Legal Division’s assistant, Kim O’Brian, a Happy 30<sup>th</sup> Birthday.</p> <p>Commissioner Greene congratulated his Executive Assistant, David Zito, on the birth of his son, Bennett.</p> <p>Chairman Campbell and Commissioner Greene recognized the elected officials in the audience and thanked them for their attendance to the meeting.</p> <p>Commissioner Lewis asked utility companies to cease disconnections until September 9, 2023 to coincide with Governor Edwards’ issuance of a State of Emergency due to the excessive heat advisories. He also extended condolences to the people of Maui, Hawaii for the wildfires experienced there, and asked utilities to make sure they have fire protection plans in place.</p> <p>Commissioner Skrmetta requested an update on RDOF funding status at the next B&amp;E.</p>
<b>Ex. 2</b>	<p><b>T-36504</b> - Louisiana Public Service Commission vs. Adair Movers LLC. In re: Alleged violation of La. R.S. 45:161 through 180.1, by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated March 16, 2021 and for failure to comply with the requirements of General Order dated April 3, 2008 as amended.</p> <p><b>In re: Discussion and possible vote on Recommendation of the Administrative Law Judge.</b></p> <p>On motion of Commissioner Greene, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to accept the Recommendation of the Administrative Law Judge issued on June 19, 2023.</p>

<p><b>Ex. 3</b></p>	<p><b>T-36706</b> - Louisiana Public Service Commission vs. ASAP Towing, Recovery, &amp; Equipment Transportation, LLC. In re: Alleged violation of Louisiana Revised Statutes Title 45:1177 and 1179 for failure to pay to the state proper fees for the years 2013 through 2021 for the inspection, control, and supervision of its business service and rates authorized in Common Carrier Certificate No. 7303 pursuant to General Order dated November 22, 2011.</p> <p><b>In re: Discussion and possible vote on Recommendation of Administrative Law Judge.</b></p> <p>On motion of Commissioner Greene, seconded by Chairman Campbell, and unanimously adopted, the Commission voted to accept the Recommendation of the Administrative Law Judge issued on July 18, 2023.</p>
<p><b>Ex. 4</b></p>	<p><b>S-36673</b> - Chevron Phillips Chemical Pipeline Company, LLC, ex parte. In re: Application to increase rates for transportation of petroleum on its ethylene system for LPSC Tariff 9.5.0.</p> <p><b>In re: Discussion and possible vote on Staff Report and Recommendation.</b></p> <p><b>DEFERRED</b></p> <p>Present for Questions/Comments: Gary Garverick, Pipeline and Terminals Asset Coordinator at Chevron Phillips Chemical Company</p>
<p><b>Ex. 5</b></p>	<p><b>U-35324</b> - Southwestern Electric Power Company, ex parte. In re: Application for Certification and Approval of the Acquisition of Certain Renewable Resources.</p> <p><b>In re: Discussion and possible vote on budget increase of United Professionals Company due to scope expansion.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to approve the budget increase of UPC of \$18,500 due to an expansion in scope.</p>
<p><b>Ex. 6</b></p>	<p><b>U-35441</b> - Southwestern Electric Power Company, ex parte. Application for Approval of a Change in Rates, Extension of Formula Rate Plan and Other Related Relief.</p> <p><b>In re: Discussion and possible vote on Final Recommendation of the Administrative Law Judge and Draft Order.</b></p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to approve the Final Recommendation of the Administrative Law Judge issued on July 19, 2023.</p> <p>Present for Questions/Comments: Bobby Gilliam, Counsel for SWEPCO</p>

<p><b>Ex. 7</b></p>	<p><b>U-36174</b> - Southwestern Electric Power Company, ex parte. In re: Application for Recovery of Certain Storm Damage Costs Incurred as a Result of Hurricane Laura and Delta and the February 2021 Winter Storm Event.</p> <p><b>In re: Discussion and possible vote to retain securitization consultant.</b></p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Chairman Campbell, and unanimously adopted, the Commission voted to retain Estrada Hinojosa &amp; Company for \$270,000 in fees and \$15,000 in expenses for a total budget not to exceed \$285,000.</p> <p>Chairman Campbell requested Staff look at SWEPCO’s SAIDI and SAIFI scores during this docket, for Staff to review all electric utilities SAIDI and SAIFI scores, and to compare each jurisdictional utility’s scores with the national average.</p>
<p><b>Ex. 8</b></p>	<p><b>U-36264</b> - Booth Environmental Services, LLC, ex parte. In re: Application for an Increase in Water and Sewer Rates at the Oak Meadow Subdivision in Calcasieu Parish.</p> <p><b>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to approve the Uncontested Stipulated Settlement filed into the record on July 26, 2023.</p>
<p><b>Ex. 9</b></p>	<p><b>U-36331</b> - Atmos Energy Corporation, ex parte. In re: 2021 Rate Stabilization Clause annual filing for its Louisiana Rate division.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on July 20, 2023.</p>
<p><b>Ex. 10</b></p>	<p><b>U-36923</b> - Cleco Power LLC, ex parte. In re: Request for: 1) implementation of change in rates with an effective date of July 1, 2024; and 2) extension of existing Formula Rate Plan.</p> <p><b>In re: Discussion and possible vote to retain outside counsel.</b></p> <p>Chairman Campbell made a motion to retain Patrick Miller, LLC for \$338,000 in fees and \$10,000 in expenses for a total budget not to exceed of \$348,000, seconded by Commissioner Greene.</p> <p>Vice Chairman Francis made a substitute motion to retain Stone Pigman for a budget of \$470,000 in fees and \$16,000 in expenses for a total budget not to exceed \$486,000, seconded by Commissioner Lewis, with Chairman Campbell, Commissioner Skrmetta and Commissioner Greene opposing, the substitute motion failed with a vote of 2:3.</p> <p>After discussion, Chairman Campbell’s original motion was considered, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to retain Patrick Miller, LLC.</p>
<p><b>Ex. 11</b></p>	<p><b>U-36684</b> - The Baton Rouge Water Works Company d/b/a Baton Rouge Water Company, ex parte. In re: 2022 Test Year Formula Rate Plan Annual Report</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on July 26, 2023.</p>

<p><b>Ex. 12</b></p>	<p><b>U-36686</b> - Louisiana Water Company, Inc., ex parte. In re: 2022 Test Year Formula Rate Plan Annual Report.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on June 21, 2023.</p>
<p><b>Ex. 13</b></p>	<p><b>U-36721</b> - Atmos Energy Corporation, ex parte. In re: 2022 Rate Stabilization Clause filing for Louisiana Rate Division.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Campbell, and unanimously adopted, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on August 4, 2023.</p>
<p><b>Ex. 14</b></p>	<p><b>R-36131</b> - Louisiana Public Service Commission, ex parte. In re: Determination of Commission Jurisdiction Over the Various Methods of Providing Electricity to Electric Vehicles, and the Infrastructure Associated Therewith.</p> <p><b>In re: Discussion and possible vote on budget increase for David Williams due to scope expansion.</b></p> <p><b>Exhibit 6 on June 2023 B&amp;E agenda.</b></p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to grant the budget increase of Mr. Williams for \$87,500 in fees and \$1,600 in expenses for a total budget not to exceed \$89,100 due to an expansion of scope.</p>
<p><b>Ex. 15</b></p>	<p><b>1) Reports</b></p> <p><b>Status Report and presentation from 1803 Electric Cooperative, Inc. on 1803's portfolio.</b></p> <p>Present for Questions/Comments:          Kyle Marionneaux, Counsel for 1803 Electric Cooperative, Inc.          Brian Hobbs, CEO of 1803 Electric Cooperative, Inc.</p> <p>2) Resolutions</p> <p><b>3) Discussions</b></p> <p><b>Presentation regarding the Louisiana Climate Action Plan from members of the Governor's Climate Initiatives Task Force.</b></p> <p>Present for Questions/Comments:          Bill Robertson, Member of Governor's Climate Initiatives Task Force          Virginia Burkett, Chief Scientist for Climate and Land Use Change          Harry Vorhoff, Deputy Director of Coastal Activities, Louisiana Governor's Office          Phillip May, CEO of Entergy Louisiana</p> <p><b>4) ERSC/OMS/SPP</b></p> <p><b>Discussion and possible vote to ratify a vote taken by Commissioner Greene, acting as the Commission's representative on the Board of Directors of the Organization of MISO States.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Campbell, with Vice Chairman Francis and Commissioner Lewis concurring, and Commissioner Greene abstaining, the Commission voted to ratify Commissioner Greene's vote taken on June 8, 2023, via proxy.</p>

**Discussion and possible vote to ratify votes taken by Vice Chairman Francis, acting as the Commission's representative on the Regional State Committee of the Southwest Power Pool.**

On motion of Commissioner Skrmetta, seconded by Chairman Campbell, with Commissioner Greene and Commissioner Lewis concurring, and Vice Chairman Francis abstaining, the Commission voted to ratify Vice Chairman Francis' votes taken on July 24, 2023, via proxy.

**5) Directives**

**- Directive to jurisdictional utilities regarding foreign relationships.**

After Staff's recitation of the directive and discussion, on motion of Commissioner Greene, seconded by Chairman Campbell, and unanimously adopted, the Commission deferred the directive until the next Business & Executive Session.

Present for Questions/Comments

Phillip May, CEO of Entergy Louisiana

Larry Hand, Vice President for Regulatory & Public Affairs for Entergy Louisiana

**- Directive to Staff to conduct a cost benefit analysis of implementation of privately funded fuel stations for liquid hydrogen.**

After Staff's recitation of the directive and discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Greene, with Vice Chairman Francis concurring, and Commissioner Lewis and Chairman Campbell opposing, the Commission voted in support of Commissioner Skrmetta's directive to conduct a cost benefit analysis on the amount of ratepayer dollars that could be saved in building out the electrical grid if hydrogen was utilized within the transportation industry. The directive passed 3:2.

**- Directive to jurisdictional utilities, Midcontinent Independent System Operator (MISO), and the Southwest Power Pool (SPP) to provide an update on cybersecurity plans.**

After Staff's recitation of the directive and discussion, Commissioner Lewis opposed the directive. Chairman Campbell, Vice Chairman Francis, Commissioner Skrmetta, and Commissioner Greene voted to support Commissioner Skrmetta's directive to jurisdictional utilities, MISO, and SPP to provide confirmation, within 60 days of this directive, to Executive Secretary Frey that each respective entity has a cybersecurity plan in place to allow for manual operation in the event of a cybersecurity attack. The directive passed 4:1.

Present for Questions/Comments:

Scott McQuaig, Staff Consultant

Jamie Watts, Counsel for MISO

**- Directive to Staff to conduct a cost benefit analysis of carbon capture systems.**

After Staff's recitation of the directive and discussion, there was no opposition to Commissioner Skrmetta's directive to open a docket to conduct a cost benefit study on carbon capture systems, including a determination of their scientific validity. Staff is authorized, if determined necessary, to issue an RFP to assist with said analysis. Commissioner Skrmetta's directive to open a docket to conduct a study of the cost benefit of all carbon capture systems and determine the state of their scientific validity and effectiveness based on their cost. The

study should include all forms of carbon capture systems, whether proposed or in action. Staff is authorized, if deemed necessary, to issue an RFP to assist with said analysis.

**- Directive to jurisdictional utilities regarding customer overpayments.**

After Staff's recitation of the directive and discussion, there was no opposition to Commissioner Skrmetta's directive to direct jurisdictional utilities to refund customers who inadvertently overpay online, and have notified the utility of such overpayment, within 48 hours of such notice.

Present for Questions/Comments:

Larry Hand, Vice President for Regulatory & Public Affairs for Entergy Louisiana

**- Directive to Staff, Cleco Power, Entergy Louisiana, and SWEPCO to perform cost benefit analyses of continued membership in their current regional transmission organizations compared to alternatives.**

After Staff's recitation of the directive and discussion, Commissioner Lewis opposed the directive. Chairman Campbell, Vice Chairman Francis, Commissioner Skrmetta and Commissioner Greene voted to support Commissioner Skrmetta's directive to Staff, Cleco Power, Entergy Louisiana, and SWEPCO to direct Staff to consult with counsel and representatives of jurisdictional electric utilities to develop the scope and parameters of cost-benefit analyses to be performed by those utilities. Those cost-benefit analyses should not only compare costs incurred so far, or what continued participation in the RTO would be, but also compare continued RTO participation by those utilities in their existing RTOs against various options. The directive passed 4:1.

Present for Questions/Comments:

Lane Sisung, Staff Consultant

Brian Hobbs, CEO of 1803 Electric Cooperative, Inc.

**- Directive to Staff to study and track the development of advanced nuclear power technology.**

After Staff's recitation of the directive and discussion, there was no opposition to Commissioner Skrmetta's directive to direct Staff to open a docket to study and track the development of advanced nuclear power technology that can be used to provide electricity for ratepayers. The docket should include the study of Small Modular Reactors (SMR), Microreactors (transportable and mobile) and small nuclear reactor ("battery") configurations. The study shall include a study of all relevant statutes, whether from the United States or foreign governments, to determine the barriers, if any, to the entry of such systems into the Louisiana Resource Profile. With the continued pressure from the Federal government to reduce carbon dioxide levels, modern nuclear power systems should be explored to determine if they can provide baseload resources for the grid and assist in transitioning from geologic fuels. Approximately 50% of all generated electricity in Louisiana is consumed by Industrial customers and those systems require baseload power. While renewables can provide some power, it is not baseload and nuclear can fill that portion of the requirement. It is important that Louisiana look to the future of nuclear power systems as a potential solution. Staff is authorized, if determined necessary, to issue an RFP to assist with said analysis.

**- Directive to Staff to expand Docket No. R-36630 to include a review and analysis of improved standards for customer service call centers of jurisdictional utilities.**

**At the request of Commissioner Skrmetta.**

	<p>After Staff's recitation of the directive and discussion, there was no opposition to the directive. Commissioner Greene requested a part of this review to include a benefit to cost impact of requiring those call centers to be within Louisiana.</p>
<b>Ex. 16</b>	<p><b>U-36383</b> - National Water Infrastructure, LLC, ex parte. In re: Application for adjustment in rates for current and acquired systems, including certification of regionalization project and construction work in progress recovery of capital expenditures and associated financing, and for Letter of Non-Opposition of acquisition of Ascension Parish Wastewater Assets.</p> <p><b>In re: Discussion and possible vote on Regionalization Project and conditional Term Sheet, pursuant to Rule 57.</b></p> <p><b>At the request of Commissioner Lewis.</b></p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take matter up pursuant to Rule 57.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to approve the NWI Regionalization Project subject to the Term Sheet agreed upon by NWI and Staff, and filed into the record on August 10, 2023, that ensures certain costs caps and protections exist for NWI customers.</p>
<b>Ex. 17</b>	<p><b>U-36582</b> - Cleco Power LLC, ex parte. In re: Formula Rate Plan Annual Earnings Monitoring Report for the twelve months ended June 30, 2022.</p> <p><b>In re: Discussion and possible vote to accept Uncontested Joint Report and Draft Order.</b></p> <p><b>At the request of Commissioner Skrmetta.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on August 9, 2023.</p>
<b>Ex. 18</b>	<p>Update from Entergy Louisiana LLC on storm restoration efforts after the July 31, 2023 storms.</p> <p><b>At the request of Commissioner Lewis.</b></p> <p>Commissioner Lewis read a letter from Celeste Carter describing the issues she had as a customer of Entergy Louisiana.</p> <p>Present for Questions/Comments:  Lora Dalton, Customer of Entergy Louisiana  Larry Hand, Vice President for Regulatory &amp; Public Affairs for Entergy Louisiana  Phillip May, CEO of Entergy Louisiana  Steven Benyard, Vice President of Reliability for Entergy Louisiana</p>

On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to adjourn.

**MEETING ADJOURNED**

The next Business and Executive Session will be held on Wednesday, September 20, 2023 at 9:00 a.m. in Baton Rouge, Louisiana.